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REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION: TRANSFER OF HIGH TECHNOLOGY WITH MILITARY APPLICATIONS

Report of the Secretary-General

Addendum

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ARGENTINA

[Original: Spanish]

[30 October 1992]

1. The Argentine Republic controls the export of nuclear materials, missile technology, chemical substances and other sensitive elements, by virtue of Decree 603/92 which establishes the Sensitive Exports Regime.

2. The statement issued by the Government of Argentina concerning the Sensitive Exports Regime announced on 27 April 1992 by the President of the Argentine Republic, Carlos Saúl Menem, was circulated at the time of issue, in document A/47/181.

3. The text of Decree 603/92 is reproduced below:

Having regard to the Agreement between the Argentine Republic and the Federative Republic of Brazil for the Exclusively Peaceful Use of Nuclear Energy, signed on 18 July 1991; the Agreement between the Argentine Republic, the Federative Republic of Brazil, the Brazilian-Argentine Agency for Accounting for and Control of Nuclear Materials (ABACC) and the International Atomic Energy Agency (IAEA) for the Implementation of Safeguards, signed on 13 December 1991; the Joint Declaration on the Complete Prohibition of Chemical and Biological Weapons (Mendoza Accord), signed by the Governments of the Argentine Republic, the Federative Republic of Brazil and the Republic of Chile on 5 September 1991; the decision of the Government, taken by the Minister of Defence on 29 May 1991, to accede to the Missile Technology Control Regime, and the proposals by the Minister of Defence, the Minister for Foreign Affairs and Worship and the Minister of Economy and Public Works and Services, and

Considering:

That the proliferation of weapons of mass destruction seriously jeopardizes world peace and security, and that all States must together take forceful action to halt it,

That the Argentine Republic firmly supports the utilization of nuclear energy exclusively for peaceful purposes, and deems it indispensable to ensure that all such types of goods are exported in a responsible manner under strict controls guaranteeing that they will be used exclusively for peaceful purposes,

That the Argentine Republic supports the development of space activities for exclusively peaceful purposes and reaffirms its will to work in this field with a high sense of responsibility and transparency,

That the development and application of chemistry and biology are sources of social well-being and economic development and that, used for exclusively peaceful purposes, they strengthen international security,

That, having regard to the progress achieved by the Republic in the aforementioned fields, it is becoming necessary to establish an effective and responsible control regime for exporting nuclear materials, missile technology, chemical substances and other sensitive items,

That the present instrument is enacted by virtue of the powers conferred by article 86, paragraph 1, of the Constitution,

Now therefore,

The President of the Argentine nation

decrees:

Article 1. The control of sensitive exports and military matériel shall be governed by the provisions of this Decree.

Article 2. The Commission to Coordinate Policies with regard to the Export of Military Matériel, established by Decree 1097 of 14 June 1985, shall henceforth be known as the National Commission for the Control of Sensitive Exports and Military Matériel. Its control shall be mandatory prior to exporting the items referred to in this text.

Article 3. The National Commission for the Control of Sensitive Exports and Military Matériel shall exercise the powers granted by the aforesaid Decree, which shall henceforth include the power to grant a prior licence for exporting the items covered in annexes A and B to this Decree in accordance with the requirements set forth in the ensuing articles.

Article 4. The National Commission for the Control of Sensitive Exports and Military Matériel shall in all cases include the Minister of Defence, the Minister for Foreign Affairs and Worship, and the Minister of Economy and Public Works and Services, or the alternate appointed by each Minister. The Commission shall also include, as applicable, an official from the following bodies:

(a) The National Atomic Energy Commission (CNEA), in cases relating to nuclear exports;

(b) The National Space Activities Commission (CONAE), in cases relating to exports of missile technology;

(c) The Armed Forces Institute of Scientific and Technical Research (CITEFA), in cases relating to exports of chemical and bacteriological substances.

Article 5. The National Commission for the Control of Sensitive Exports and Military Matériel shall weigh, on a case-by-case basis, applications for prior export licences, which shall be issued in the light of Argentina's firm commitment to the non-proliferation of weapons of mass destruction, the relevant international considerations and the specific conditions established in the ensuing articles.

Article 6. As a general rule, authorization shall not be given for exporting materials, equipment, technology, technical assistance and/or services connected with the conversion and enrichment of uranium, the reprocessing of fuel, the production of heavy water and the manufacture of plutonium.

Article 7. The export of reactors and enriched uranium or associated technology may be authorized provided that a bilateral agreement on nuclear cooperation for peaceful purposes is in force with the country concerned. In addition, the latter country must:

(a) Be party to a comprehensive safeguards agreement with IAEA;

(b) Expressly undertake not to use the material exported by the Republic of Argentina for purposes related to nuclear explosive devices;

(c) Adopt suitable safety standards for the material exported;

(d) Undertake to seek the consent of the Government of Argentina prior to the transfer of any exported material or material derived from exported material or the reprocessing of such material.

Article 8. The approach referred to in article 7 shall also be taken with respect to technical assistance in the nuclear sphere and the export of certain non-nuclear products which may have non-peaceful nuclear applications. The National Commission for the Control of Sensitive Exports and Military Matériel shall propose to the Executive the list of such products, which he may then approve.

Article 9. The Executive shall review the nuclear cooperation agreements signed by Argentina and the contracts for providing nuclear materials, equipment and components, as also nuclear technology and assistance, signed by State agencies or public or private enterprises domiciled in Argentina, prior to the entry into force of this Decree, with a view to taking a decision within 30 days as to their continuity.

Article 10. The lists of products and criteria recommended in the Missile Technology Control Regime (MTCR) shall be attached to this Decree as annex A.

Article 11. The export, re-export or transfer of any material, equipment, technology, technological assistance and/or services included in annex A shall require a prior export licence, in accordance with article 3 of this Decree.

Article 12. As a general rule, exports, re-exports or transfers which might contribute in any degree to missile development shall not be authorized. This category, in accordance with MTCR, shall include certain components used in the development of space launcher vehicles.

Article 13. Annex B of this Decree shall list certain chemical substances, most of which are known as "precursors", which may be used in the production of chemical and/or bacteriological weapons.

Article 14. In accordance with article 3 of this Decree, the export, re-export or transfer of the chemical substances included in annex B, which might be used for the production of chemical and/or bacteriological weapons, shall require export licences. As a general rule, the export, re-export or transfer of such substances shall not be authorized if there is ground to believe that these substances will be used in the production of weapons of mass destruction.

Article 15. Exporters of any materials, equipment, technology, technical assistance and/or nuclear, chemical, bacteriological or missile services which are not included in this Decree or its annexes shall also be required to obtain a prior export licence, when it is known or suspected that such goods or services will be used in projects or activities relating to weapons of mass destruction.

Article 16. The Executive shall not authorize Argentine officials or subordinate employees to participate directly or indirectly in projects or activities of third countries which are contrary to the purposes of this Decree.

Article 17. Any export in contravention of this Decree shall give rise to such sanctions as may be applicable under the Customs Code, without prejudice to the fact that non-compliance constitutes an offence under the Penal Code.

Article 18. The National Customs Administration shall be authorized to monitor compliance with this Decree as regards the regulations concerning sensitive exports and military matériel.

Article 19. The Executive shall propose the inclusion of specific sanctions in the Penal and Customs Code for non-compliance with these provisions.

Article 20. The Argentine Republic shall coordinate its policy with other States which supply the materials referred to in this Decree, with a view to contributing to the establishment of an effective international system for controlling exports connected with weapons of destruction.

Article 21. The Executive shall periodically bring up to date, in conformity with international criteria, the lists contained in annexes A and B of this Decree.

Article 22. The Executive shall periodically report to the honourable Congress of the nation on applications concerning sensitive exports and military matériel and on any licences which may be granted or denied.

Article 23. This Decree shall be made known to all, published, handed to the National Department of the Official Register and filed.

(Signed) Guido José DI TELLA
Minister for Foreign Affairs
and Worship

(Signed) Domingo Felipe CAVALLO
Minister of Economy and
Public Works and Services

(Signed) Antonio Francisco SALONA
Minister of Culture and Education

(Signed) Antonio Ermán GONZALEZ
Minister of Defence

(Signed) José Luis MANZANO
Minister of the Interior

(Signed) Julio Cesar ARAOZ
Minister of Health and
Social Affairs

(Signed) Rodolfo Alejandro DIAZ
Minister of Labour and Social Security

(Signed) Leon Carlos ARSLANIAN
Minister of Justice